

FILED 08/23/10 08:23 AM

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION**

UNITED STATES OF AMERICA

Case No. 05-cr-60008-02-HO

v.

PIROUZ SEDAGHATY,

Defendant.

**~~[PROPOSED]~~ PROTECTIVE ORDER PURSUANT TO SECTION 4 OF THE
CLASSIFIED INFORMATION PROCEDURES ACT AND FEDERAL RULE OF
CRIMINAL PROCEDURE 16(d)(1)**

This matter is before the Court on the “*Ex Parte* Government’s Supplemental Response to Defendant’s Third Supplement to First Motion for Discovery Filed Pursuant to CIPA §§ 3 and 4 and Rule 16(d)(1) and Government’s Motion to Delete Items from Discovery.” The government’s motion seeks authorization from this Court to withhold disclosure of certain classified materials from discovery.

1. The Court finds that the government's motion was properly filed *in camera, ex parte* for this Court's review, pursuant to CIPA § 4 and Fed. R. Crim. P. 16(d)(1). The Submission contains classified information that requires protection against unauthorized disclosure for reasons of national security such that its disclosure to the defense, or to the public, reasonably could be expected to cause serious damage to national security. After *in camera, ex parte* inspection and consideration of the motion and memorandum of law, supporting declarations and exhibits (hereinafter, the "Submission"), the Court **GRANTS** the government's motion pursuant to Section 4 of CIPA and Rule 16(d)(1).

2. The Court finds that the classified materials sought to be protected in the Submission are not discoverable under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, or Federal Rule of Criminal Procedure 16; and that the national security damage from disclosure to the defense, as articulated in the classified declaration submitted by the government, outweighs the defendant's need for the classified information at issue. Accordingly, **IT IS FURTHER ORDERED THAT** the government need not disclose to the defense the classified materials described in the Submission.

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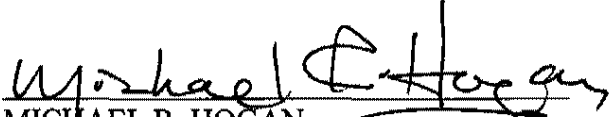
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3. **IT IS FURTHER ORDERED** that the government's Submission is hereby sealed and shall be maintained in a facility appropriate for the storage of such classified information by the Court Security Officer as the designee of the Clerk of Court, in accordance with established security procedures, until further order of this Court.

SO ORDERED this 23rd day of Aug. 2010.


MICHAEL R. HOGAN
United States District Judge

Presented by:

DWIGHT C. HOLTON, OSB #09054
United States Attorney


CHARLES F. GORDER, JR., OSB #912874
CHRISTOPHER L. CARDANI
Assistant United States Attorneys